

SECOND REGULAR SESSION
[P E R F E C T E D]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1175

93RD GENERAL ASSEMBLY

Reported from the Committee on Economic Development, Tourism and Local Government, March 15, 2006, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

Senate Committee Substitute adopted March 28, 2006.

Taken up March 28, 2006. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

5439S.02P

AN ACT

To amend chapter 67, RSMo, by adding thereto one new section relating to a sales tax for community center development.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 67, RSMo, is amended by adding thereto one new
2 section, to be known as section 67.2715, to read as follows:

**67.2715. 1. The governing body of any city of the third
2 classification with more than ten thousand eight hundred but less than
3 ten thousand nine hundred inhabitants located at least partly within
4 a county of the first classification with more than one hundred eighty-
5 four thousand but less than one hundred eighty-eight thousand
6 inhabitants is hereby authorized to impose, by ordinance or order, a
7 sales tax in the amount of up to one-half of one percent on all retail
8 sales made in such city that are subject to taxation under the
9 provisions of sections 144.010 to 144.525, RSMo, for the purpose of
10 constructing, equipping, operating, and maintaining a community
11 center for such city, which may be funded by issuing bonds that will be
12 retired by the revenues received from the sales tax authorized by this
13 section or the retirement of debt under previously authorized bonded
14 indebtedness. The tax authorized by this section shall be in addition
15 to any and all other sales taxes allowed by law, except that no
16 ordinance or order imposing a sales tax under the provisions of this**

17 section shall be effective unless the governing body of the city submits
18 to the voters of the city, at a county or state general, primary, or
19 special election, a proposal to authorize the governing body of the city
20 to impose a tax.

21 2. The ballot of submission shall contain, but need not be limited
22 to:

23 (1) If the proposal submitted involves only authorization to
24 impose the tax authorized by this section, the following language:

25 "Shall the municipality of (municipality's name) impose a sales
26 tax of (insert amount) for the purpose of constructing, equipping,
27 operating, and maintaining a community center, which may include the
28 retirement of debt under previously authorized bonded indebtedness?"

29 ☐ YES ☐ NO

30 If you are in favor of the question, place an "X" in the box opposite
31 "Yes". If you are opposed to the question, place an "X" in the box
32 opposite "No"; or

33 (2) If the proposal submitted involves authorization to issue
34 bonds and repay such bonds with revenues from the tax authorized by
35 this section, the following language:

36 "Shall the municipality of (municipality's name) issue bonds in
37 the amount of (insert amount) to fund the cost of constructing,
38 equipping, operating, and maintaining a community center impose a
39 sales tax of (insert amount) to repay bonds?"

40 ☐ YES ☐ NO

41 If you are in favor of the question, place an "X" in the box opposite
42 "Yes". If you are opposed to the question, place an "X" in the box
43 opposite "No".

44 If a majority of the votes cast on the proposal by the qualified voters
45 voting thereon are in favor of the proposal, including when the
46 proposal authorizes the reduction of debt under previously authorized
47 bonded indebtedness under subdivision (1) of this subsection, then the
48 ordinance or order and any amendments thereto shall be in effect,
49 except that any proposal submitted under subdivision (2) of this
50 subsection to issue bonds and impose a sales tax to retire such bonds
51 must be approved by the constitutionally required percentage of the
52 voters voting thereon to become effective. If a majority of the votes

53 cast by the qualified voters voting are opposed to the proposal, then the
54 governing body of the municipality shall have no power to issue any
55 bonds or impose the sales tax authorized in this section unless and
56 until the governing body of the municipality shall again have submitted
57 another proposal to authorize the governing body of the municipality
58 to issue any bonds or impose the sales tax authorized by this section,
59 and such proposal is approved by the requisite majority of the qualified
60 voters voting thereon; however, in no event shall a proposal under this
61 section be submitted to the voters sooner than twelve months from the
62 date of the last proposal pursuant to this section. If a majority of the
63 votes cast on the question by the qualified voters voting thereon are in
64 favor of the question, then the tax shall become effective on the first
65 day of the second calendar quarter immediately following notification
66 to the department of revenue.

67 3. All revenue received by a city from the tax authorized under
68 the provisions of this section shall be deposited in a special trust fund
69 and shall be used solely for constructing, equipping, operating, and
70 maintaining a community center for such city for so long as the tax
71 shall remain in effect. The provisions of this subsection shall apply
72 only to taxes authorized by this section which have not been imposed
73 to retire bonds issued under this section.

74 4. All revenue received by a municipality that issues bonds under
75 this section and imposes the tax authorized by this section to retire
76 such bonds shall be deposited in a special trust fund and shall be used
77 solely to retire such bonds, except to the extent that such funds are
78 required for the operation and maintenance of the community
79 center. Once all of such bonds have been retired, all funds remaining
80 in the special trust fund required by this subsection shall be used
81 solely for the operation and maintenance of the capital improvements
82 made with the revenue received as a result of the issuance of such
83 bonds. Any funds in the special trust fund required by this subsection
84 which are not needed to meet current obligations under the bonds
85 issued under this section may be invested by the governing body in
86 accordance with applicable laws relating to the investment of other
87 municipal funds. The provisions of this subsection shall apply only to
88 taxes authorized by this section that have been imposed to retire bonds
89 issued under this section.

90 5. No tax imposed under this section for the purpose of retiring
91 bonds issued under this section may be terminated until all of such
92 bonds have been retired.

93 6. Once the tax authorized by this section is abolished or is
94 terminated by any means, all funds remaining in the special trust fund
95 shall be used solely for operating and maintaining the community
96 center for the city. Any funds in such special trust fund that are not
97 needed for current expenditures may be invested by the governing
98 body in accordance with applicable laws relating to the investment of
99 other city funds.

100 7. All sales taxes collected by the director of the department of
101 revenue under this section on behalf of any city, less one percent for
102 cost of collection which shall be deposited in the state's general
103 revenue fund after payment of premiums for surety bonds as provided
104 in section 32.087, RSMo, shall be deposited in a special trust fund,
105 which is hereby created in the state treasury, to be known as the "City
106 Community Center Tax Trust Fund". The moneys in the trust fund shall
107 not be deemed to be state funds and shall not be commingled with any
108 funds of the state. The provisions of section 33.080, RSMo, to the
109 contrary notwithstanding, money in this fund shall not be transferred
110 and placed to the credit of the general revenue fund. The director of
111 the department of revenue shall keep accurate records of the amount
112 of money in the trust and which was collected in each city imposing a
113 sales tax under this section, and the records shall be open to the
114 inspection of officers of the city and the public. Not later than the
115 tenth day of each month the director of the department of revenue shall
116 distribute all moneys deposited in the trust fund during the preceding
117 month to the city that levied the tax. Such funds shall be deposited
118 with the city treasurer of each such city, and all expenditures of funds
119 arising from the trust fund shall be by an appropriation act to be
120 enacted by the governing body of each such city. Expenditures may be
121 made from the fund for any functions authorized in the ordinance or
122 order adopted by the governing body submitting the tax to the voters.

123 8. The director of the department of revenue may authorize the
124 state treasurer to make refunds from the amounts in the trust fund and
125 credited to any city for erroneous payments and overpayments made,
126 and may redeem dishonored checks and drafts deposited to the credit

127 of such cities. If any city abolishes the tax, the city shall notify the
128 director of the department of revenue of the action at least ninety days
129 prior to the effective date of the repeal, and the director of the
130 department of revenue may order retention in the trust fund, for a
131 period of one year, of two percent of the amount collected after receipt
132 of such notice to cover possible refunds or overpayment of the tax and
133 to redeem dishonored checks and drafts deposited to the credit of such
134 accounts. After one year has elapsed after the effective date of
135 abolition of the tax in such city, the director of the department of
136 revenue shall remit the balance in the account to the city and close the
137 account of that city. The director of the department of revenue shall
138 notify each city of each instance of any amount refunded or any check
139 redeemed from receipts due the city.

140 9. Except as modified in this section, all provisions of sections
141 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this
142 section.

✓

Bill

Copy